

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI
SOUTHERN DIVISION**

ROY A. HORNE

PLAINTIFF

VERSUS

CIVIL ACTION NO. 1:10-cv-487-HSO-JMR

DELTA SANITATION

DEFENDANT

**MEMORANDUM OPINION AND ORDER ADOPTING REPORT AND
RECOMMENDATION AND DENYING PLAINTIFF'S MOTION FOR LEAVE
TO PROCEED *IN FORMA PAUPERIS***

This cause comes before the Court on the Report and Recommendation [3] of Chief United States Magistrate Judge John M. Roper, entered in this cause on February 7, 2011. Judge Roper reviewed Plaintiff Roy A. Horne's Motion [2] for Leave to Proceed *In Forma Pauperis* filed on October 4, 2010, and determined that the Motion [2] should be denied. Report and Recommendation [3], at p. 2. Plaintiff was mailed a copy of the Report and Recommendation to his last known address by certified mail, return receipt requested on February 7, 2011. The Acknowledgment of Receipt [4] reflects that Plaintiff received the Report and Recommendation on February 9, 2011. Plaintiff has not filed an objection to the Report and Recommendation to date.

After review of the record, the Court, being fully advised in the premises, finds that said Report and Recommendation [3] should be adopted as the opinion of this Court. The Court will grant Plaintiff an additional fourteen (14) days to pay the required filing fee. Accordingly,

IT IS, THEREFORE, ORDERED AND ADJUDGED that, the Report and Recommendation [3] of Chief United States Magistrate Judge John M. Roper, entered on February 7, 2011, should be and hereby is adopted in its entirety as the finding of this Court.

IT IS, FURTHER, ORDERED AND ADJUDGED that, Plaintiff Roy A. Horne's Motion [2] for Leave to Proceed *In Forma Pauperis*, filed on October 4, 2010, should be and hereby is **DENIED**.

IT IS, FURTHER, ORDERED AND ADJUDGED that, Plaintiff must pay the required filing fees to the Clerk of Court for the Southern District of Mississippi, Southern Division, Dan M. Russell Jr., United States Courthouse, 2012 15th Street, Suite 403, Gulfport, Mississippi, 39501 within **fourteen (14) days** from the date of entry of this Order, or by no later than **May 3, 2011**. If the filing fee is paid by Plaintiff or someone other than Plaintiff, there must be a written explanation that the money is being submitted as payment for the filing fee in this case, Civil Action No. 1:10cv487-HSO-JMR, on behalf of the Plaintiff Roy A. Horne.

IT IS, FURTHER, ORDERED AND ADJUDGED that, if the required filing fee is not received by **May 3, 2011**, this matter will be dismissed without further notice to Plaintiff.

IT IS, FURTHER, ORDERED AND ADJUDGED that, Plaintiff's failure to properly serve his Complaint upon Defendant Delta Sanitation within 120 days after the payment of the filing fee may result in the dismissal of this suit.

IT IS, FURTHER, ORDERED AND ADJUDGED that, the Clerk of Court

is directed to mail a copy of this Order to Plaintiff at his last known address, via the United States Postal Service, certified mail, return receipt requested.

SO ORDERED AND ADJUDGED, this the 19th day of April, 2011.

s/ Halil Suleyman Ozerden

HALIL SULEYMAN OZERDEN
UNITED STATES DISTRICT JUDGE